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■ SUPREME COURT APPOINTMENT PROCESS: ROLES OF THE PRESIDENT, JUDICIARY COMMITTEE, AND SENATE

Denis Steven Rutkus

Congressional Research Service. July 6, 2005

The appointment of a Supreme Court Justice is an infrequent event of major significance in American politics. Each appointment is important because of the enormous judicial power the Supreme Court exercises as the highest appellate court in the federal judiciary. Appointments are infrequent, as a vacancy on the nine member Court may occur only once or twice, or never at all, during a particular President's years in office. Under the Constitution, Justices on the Supreme Court receive lifetime appointments. Such job security in the government has been conferred solely on judges and, by constitutional design, helps insure the Court's independence from the President and Congress. The procedure for appointing a Justice is provided for by the Constitution in only a few words. The "Appointments Clause" (Article II, Section 2, clause 2) states that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint ... Judges of the Supreme Court." The process of appointing Justices has undergone changes over two centuries, but its most basic feature — the sharing of power between the President and Senate — has remained unchanged: To receive lifetime appointment to the Court, a candidate must first be nominated by the President and then confirmed by the Senate. Although not mentioned in the Constitution, an important role is played midway in the process (after the President selects, but before the Senate considers) by the Senate Judiciary Committee. The appointment of a Justice might or might not proceed smoothly. Since the appointment of the first Justices in 1789, the Senate has confirmed 120 Supreme Court nominations out of 154 received. Over more than two centuries, a recurring theme in the Supreme Court appointment process has been the assumed need for excellence in a nominee. However, politics also has played an important role in Supreme Court appointments. The political nature of the appointment process becomes especially apparent when a President submits a nominee with controversial views, there are sharp partisan or ideological differences between the President and the Senate, or the outcome of important constitutional issues before the Court is seen to be at stake.

<http://fpc.state.gov/documents/organization/50146.pdf> [pdf format, 53 pages]

■ RESTORATIVE JUSTICE IN TEXAS: PAST, PRESENT & FUTURE

By Marc Levin

Center for Effective Justice, Texas Public Policy Foundation. September 2005

"Restorative justice practices seek to empower crime victims in the criminal justice process, repair the harm done to victims, restore personal and community relationships severed by crime, and reduce recidivism by conveying to offenders the impact of their crime on others. This report examines the historical evolution of restorative justice, modern restorative justice concepts, and current restorative justice programs in Texas. It concludes with recommendations for enhancing both restorative processes and outcomes in Texas."

<http://www.texaspolicy.com/pdf/2005-09-restorativejustice.pdf> [pdf format, 28 pages]

■ FEDERAL CIVIL RIGHTS STATUTES: A PRIMER

Jody Feder

Congressional Research Service. September 9, 2005

"This report provides a brief summary of selected federal civil rights statutes, including the Civil Rights Act, the Equal Pay Act, the Voting Rights Act, the Age Discrimination in Employment Act, the Fair Housing Act, Title IX of the Education Amendments of 1972, the Rehabilitation Act, the Equal Credit Opportunity Act, the Equal Educational Opportunities Act, the Civil Service Reform Act, the Immigration and Nationality Act, the Americans with Disabilities Act, and the Congressional Accountability Act."

http://opencrs.cdt.org/rpts/RS22251_20050909.pdf [pdf format, 6 pages]

■ CONGRESS AND THE COURTS: CURRENT POLICY ISSUES

Walter Oleszek

Congressional Research Service. September 20, 2005

Federal courts, like Congress and the presidency, are important forums for resolving the political, economic, and social conflicts that characterize American society. From the beginnings of the republic, when federal courts handed down decisions that strengthened the national government, to many of today's most hotly debated issues — affirmative action, war powers, racial redistricting, and abortion — federal judges have been at the storm center of numerous controversies. The American constitutional system of separate institutions sharing power inevitably produces tension between Congress and the courts. Conflicts between Congress and federal courts are common when the elective branches are called to account by decisions of the non-elective judicial branch, composed of judges with lifetime tenure. The purposes of this report are to examine the Congress-court connection along several discrete, but overlapping, dimensions. First, the constitutional authority of Congress and the judiciary is summarized briefly. Second, the report highlights the court's role as legislative-executive "umpire" and federal-state "referee" in our constitutional system. Third, the report discusses the court's part in statutory interpretation as well as the diverse ways Congress may "check and balance" the judiciary. Fourth, the paper reviews several current controversies associated with the judicial nominations process. Fifth, the state of play with respect to the so-called "nuclear" or "constitutional" option for ending judicial filibusters is discussed along with

the compromise that so far has averted use of this procedural maneuver in the Senate. Finally, the report closes with several observations about the judicial nominations process.

<http://fpc.state.gov/documents/organization/54277.pdf> [pdf format, 54 pages]

■ MAPPING CRIME: UNDERSTANDING HOT SPOTS

National Criminal Justice Research Service. August 2005

"Much of crime mapping is devoted to detecting high-crime-density areas known as hot spots. Hot spot analysis helps police identify high-crime areas, types of crime being committed, and the best way to respond. This report discusses hot spot analysis techniques and software and identifies when to use each one. The visual display of a crime pattern on a map should be consistent with the type of hot spot and possible police action. For example, when hot spots are at specific addresses, a dot map is more appropriate than an area map, which would be too imprecise."

<http://www.ncjrs.gov/pdffiles1/nij/209393.pdf> [pdf format, 79 pages]

■ JUVENILE DELINQUENCY GUIDELINES: IMPROVING COURT PRACTICE IN JUVENILE DELINQUENCY CASES

National Council of Juvenile and Family Court Justices. Summer 2005

The Juvenile Delinquency Guides is a bench book of best practices that was developed by a committee of judges, a Chief Justice, prosecutors, defense attorneys, juvenile justice practitioners, and other professionals representing key stakeholders in the juvenile justice system, through the support of the Office of Juvenile Justice and Delinquency Prevention. In an effort to set forth the essential elements of effective practice in juvenile delinquency cases, the publication identifies 16 key principles for juvenile delinquency courts, as well as recommended best practices throughout the juvenile delinquency court process

<http://www.ncjfcj.org/content/view/411/411/> [several pdf files for individual chapters and sections]

■ KNOWLEDGE MANAGEMENT IN POLICING

T. Dave Chavez, Jr., Michael R. Pendleton, Jim Bueerman

U.S. Department of Justice, Community Oriented Policing Services. October 2005

"This publication explores the potential for Knowledge Management to support innovation in police organizations. Within three chapters, the concept of Knowledge Management in policing is introduced, its use in a West Coast police department is documented and examined, and a series of guidelines for adopting and implementing Knowledge Management as an organizational development and management strategy is outlined."

<http://www.cops.usdoj.gov/mime/open.pdf?Item=1615> [pdf format, 126 pages]

■ SEX SLAVERY IN THE UNITED STATES AND ITS LAW TO STOP IT HERE AND ABROAD

Susan Tiefenbrun

Sex trafficking is a contemporary form of slavery that violates women's fundamental human rights. Every year one to four million persons, predominantly women and girls but also men and boys, are trafficked for the purpose of commercial sexual exploitation. The traffic of women is the third most profitable crime next to the traffic of weapons and drugs. President William Clinton signed the Trafficking Victims Protect Act (TVPA) on October 28, 2000, in order to provide an international solution to an international problem. The TVPA establishes a coordinated, transnational effort to protect trafficked persons, to criminalize the conduct of traffickers and to penalize sex trafficking as if it were a crime as serious as rape, punishable with a sentence of twenty years to life imprisonment. The TVPA provides financial assistance, protection, benefits, services and education to victims both here and abroad as well as the right to their permanent residency in the United States and a work permit, if the victim of severe forms of trafficking cooperates with the prosecution of her traffickers. The slow but steady domestic and international impact of the TVPA on sex trafficking activities could be interpreted to mean that a US law and its multilateral efforts have influenced other nations by legislative example. Despite criticism of the slowness of the Bush Administration to implement the TVPA and the shortcomings of the United States Department of State annual Trafficking in Persons (TIP) Reports, the Department of Justice has made significant efforts at prosecution, outreach, coordination among agencies, protection and assistance to victims of trafficking. The TVPA in general and the Department of State TIP Reports in particular have had a positive effect on many foreign governments by providing them with financial support and advice to meet the minimum standards set forth in the TVPA. Thus, there has been a slow, small but positive impact of the TVPA both domestically and in foreign countries to reduce trafficking and to deter the crime of sex slavery, and the United States is playing an important role to eradicate slavery through legislative example, interagency cooperation, and multilateral efforts.

<http://ssrn.com/abstract=598581> [pdf format, 55 pages]

■ RESPONDING TO FUTURE TRENDS IN STATE COURTS: A REVIEW OF THREE NCSC INITIATIVES

Future Trends in State Courts, National Center for State Courts. August 2005

Courts are constantly adjusting to a changing environment; as the world changes, society's demands on courts also change. Several factors, including recent developments in technology and the strain of fiscal crises, have caused renewed demands on, and opportunities for, courts to increase and demonstrate efficiency and effectiveness, including improving communication and collaboration between agencies. This article highlights some of the current initiatives at the National Center for State Courts that are helping courts respond to these demands. The first initiative, CourTools, presents ten performance measures that allow courts to evaluate the effectiveness of their management and service to the public. In addition, these measures can help support initiatives for improvement, both through the knowledge generated regarding court operations and through the availability of statistics to support requests for funding. The second initiative has been a push to advance the development of Service-Oriented Architecture (SOA). SOA offers a framework for the technological sharing of information between jurisdictions and agencies. This increased communication assists in the administration of justice and offers courts access to information from different agencies

at a single point of contact. The third initiative, customized distance learning classes, expands training opportunities for court personnel. By developing distance learning classes, courts can reduce travel time and costs, as well as the time and cost for instructors. By collaborating with NCSC, courts can develop customized classes to achieve the benefits of distance learning without the prohibitive start-up technology costs that would be needed if courts developed the courses independently.

<http://www.ncsconline.org/WC/Publications/Trends/2005/CtFutuNCSCInitiatives.html>

[html format, 7 printed pages]